

Message

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To: Beck, Nancy [Beck.Nancy@epa.gov]
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News from ECOS, EELC, & Great Lakes Meetings, States Celebrate P2, & More

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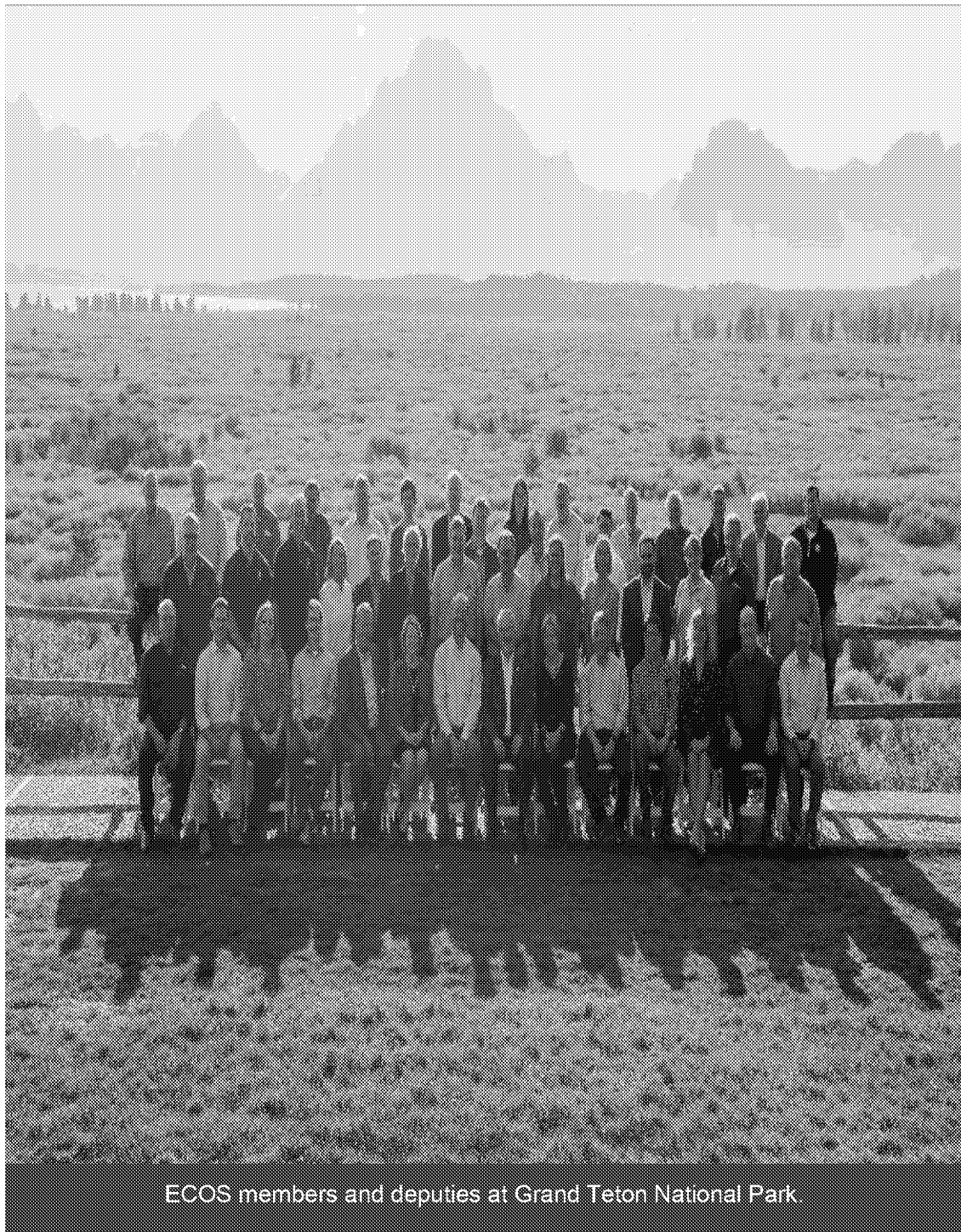
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ECOS Wraps Up Wide-Ranging Fall Meeting on Bright Ideas

ECOS members gathered last week in Jackson Hole, Wyoming with federal and tribal partners, NGO and industry representatives, and others for a well-received 2017 Fall Meeting on *Bright Ideas: States Leading the Way*. Spotlighting cooperative federalism, measures and results, business process improvement, and innovation, the meeting offered a variety of compelling roundtables and keynotes. It also featured a preview of ECOSresults.org, a Lean Expo, and presentation of the 2017 ECOS State Program Innovation Awards.



ECOS members and deputies at Grand Teton National Park.

The meeting saw the election of ECOS' 2017-18 officers: President Todd Parfitt, Director of the Wyoming Department of Environmental Quality; Vice President Becky Keogh, Director of the Arkansas Department of Environmental Quality; and Secretary-Treasurer Jim Macy, Director of the Nebraska Department of Environmental Quality. John Linc Stine, Commissioner of the Minnesota Pollution Control Agency, fills out the officer roster as Past President.

Parfitt announced that his areas of focus in the coming year will include advancing the outcome-focused collaboration between states and U.S. EPA under ECOS' Cooperative Federalism 2.0 effort. He also will seek to expand the 2.0 framework to ECOS' work with other federal agencies. In addition, Parfitt will endeavor to enhance the process of measuring and assessing ECOS' accomplishments. He and the association plan to share state stories of environmental outcomes with the public through expansion of ECOSResults.org. Finally, Parfitt will advance ECOS' focus on energy innovation and highlight how environmental agencies are playing key roles in this area. See Parfitt's [letter of priorities](#) for his year as ECOS President.

The meeting's dynamic keynote lineup included Wyoming Governor Matt Mead, XPrize Chief Scientist Paul Bunje, and ECOS Delaware alum Collin O'Mara, now President & CEO of the National Wildlife Federation. Recalling his great grandfather's advice that "when we find a blade of grass, we need to leave two blades for the next generation," Mead urged rejection of the notion that we must choose between a clean environment and a strong economy. Both Mead and Bunje highlighted work at the Wyoming Integrated Test Center, a legacy site for innovation that has harnessed innovation to enhance environmental protection. And during his remarks, O'Mara called on states to build a "collaborative conservation paradigm."



Todd Parfitt of Wyoming, Becky Keogh of Arkansas, Wyoming Governor Matt Mead, John Linc Stine of Minnesota, and Martha Rudolph of Colorado (left to right).

In a roundtable on transferring innovation, ECOS presented innovation awards to states that are pioneering efforts cut costs, improve efficiency, and enhance environmental protection. See the [ECOS 2017 State Innovation Award Winners Video](#) and [ECOS Press Statement on Innovation Award Winners](#) for details on the recipients, and watch *ECOSWIRE* for an announcement of a *Green Report* profiling all of the nominees.

Separately at the meeting, ECOS held roundtables on innovation in permitting and water, as well as a Corporate Roundtable on new ways that companies are finding to increase protection and supporting the bottom line.

Other honors announced at the meeting included: former ECOS members Tom Burack of New Hampshire and Sara Parker Pauley of Missouri for ECOS Founders Awards; ECOS member Bill Ehm of Iowa for the ECOS President's Award; current officials Shari Meghreblian of Tennessee and Gary Baughman of Colorado for ECOS Special Recognition Awards; and former Virginia official Mike Murphy of Virginia for the ERIS Special Recognition Award.

Also at the meeting, ECOS members selected Washington State to host the 2019 Fall Meeting.

ECOS thanks all speakers, including U.S. EPA partners including former Arizona member Henry Darwin, now Assistant Deputy Administrator & Chief of Operations at Headquarters, and Senior Advisor to the Administrator for Regional & State Affairs Ken Wagner. In addition, the association expresses appreciation to the staff of the Wyoming Department of Environmental Quality for its support of the meeting, which ranged from outstanding technical support and giveaway items to a humorous musical interpretation of cooperative federalism presented at a dinner in Grand Teton National Park. Thanks also to the following meeting sponsors: Wyoming-based Trihydro, National Rural Electric Cooperative Association, Corporate Environmental Enforcement Council, UCOR, Diesel Technology Forum, NEDA CAP, Southern Company, Walmart, Edison Electric Institute, Hess, and Eureka Resources.

For more details on discussions at the meeting, see the following *Inside EPA* articles linked with permission of Inside Washington Publishers:

Fighting FY18 Cuts, ECOS Makes Preserving STAG Funds Top FY19 Priority, Facing Disaster Responses, States Press EPA For Flexibility, Assistance, EPA, States Hold Talks To Improve Enforcement With Enhanced Collaboration, and States Seek 'Reciprocity' To Streamline Approvals Of Oil & Gas Controls.

Meeting materials are available [here](#). [Parisien]

Membership Acts on Eight Resolutions at Fall Meeting

At the Fall Meeting, ECOS members adopted two new resolutions on NAAQS and federal rule promulgation and implementation, and revised six existing resolutions.

Major ECOS initiatives are supported through resolutions on the Exchange Network and E-Enterprise for the Environment. Some challenges in the state-U.S. EPA relationship are addressed in statements on the use of guidance and federal funding of states. Resolutions addressing the Clean Air Act Waiver of California Emissions Standards and nonpoint source pollution were also revised. [Hanson]

Cooperative Federalism 2.0 Featured at Great Lakes Commission as Stine Becomes Chair

At the September 19-20 Great Lakes Commission (GLC) Annual Meeting in Duluth, Minnesota, ECOS Past President John Linc Stine was elected GLC Chair. Established in 1955, the GLC is an interstate compact agency that assists its member states and Canadian provinces by fostering dialogue, developing consensus, facilitating collaboration, and speaking with a unified voice to promote economic prosperity and environmental protection. The commission seeks to achieve balanced and sustainable use of Great Lakes-St. Lawrence River basin water resources.

ECOS Executive Director Alexandra Dunn addressed the GLC on Cooperative Federalism 2.0 and on the federal budget. Stine presented on clean water infrastructure in addition to carrying out his GLC leadership duties. [Dunn]



Alex Dunn and John Stine at the Great Lakes Commission meeting.

New EELC State Co-Chair Keogh Kicks Off EELC Meeting

On the heels of the ECOS Fall Meeting, the E-Enterprise for the Environment Leadership Council (EELC) convened a September 13-14 face-to-face meeting of state, tribal, and U.S. EPA members. New ECOS Vice President Becky Keogh chaired the meeting as EELC State Co-Chair along with new EELC EPA Co-Chair Henry Darwin, EPA Assistant Deputy Administrator & Chief of Operations, and Jerry Cain of the Mississippi Band of Choctaw Indians serving as EELC Tribal Co-Chair for Micco Emarthla of the Seneca-Cayuga Nation, who participated remotely. The meeting opened with a lightning round on key activities by members.

New Hampshire led an in-depth discussion of its "Be Well Informed" web application that helps private well owners understand water quality test results and possible health concerns and water treatment choices. The state-developed application is now available in the E-Enterprise Portal, and Massachusetts is modifying this tool to provide state-specific answers reporting a minimal investment of staff time needed for this purpose. The tool is available for adoption by other states.

Colorado and EPA's Office of Environmental Information presented a "Shared Services Strategy" to promote shared services development and adoption across the partnership. EELC members approved the strategy as a living document, directed collection of baseline information and key systems support documentation to ensure broad adoption of services, and suggested the development of an inventory of services available. Near-term work likely will focus on permitting.

EELC members then discussed business process improvement (BPI) opportunities in permitting and agreed to develop standard metrics to evaluate success in permitting improvements that may cover timeliness, compliance rates, public and environmental health outcomes, and other areas. The EELC also will consider pursuing a BPI effort in one or more permitting programs.

Tribes proposed review of Quality Assurance Project Plans given a perceived lack of a defined process and uniform review. Members discussed the idea of creating an inventory or developing a standard template for submission but agreed to first define the problem statement in detail to inform future direction that may yield a more streamlined workload for

states, tribes, and EPA. Participants also heard an update from lead state New Hampshire on work states and tribes have initiated to develop an inventory to document partner agencies' process improvement efforts, information technology infrastructure, and other program modernization efforts. Once completed, this inventory will help partners connect with similar efforts and assist in identifying potential partnerships.

Deb Szaro of EPA Region 1 and Ed Chu of EPA Region 7 closed the meeting with discussions of the new E-Enterprise Regional Coordinators named to help tell the story of E-Enterprise, facilitate information flow and project diffusion, and build synergies among partners to maximize benefits. [Graves]

EELC Seeks Expressions of Interest in State Vacancy by October 6

ECOS seeks expressions of interest from state commissioners or other high-level state officials to serve on the E-Enterprise for the Environment Leadership Council (EELC). With the election of a new slate of ECOS officers, ECOS Past President John Linc Stine rotates off the EELC. Because ECOS President Todd Parfitt already serves on the EELC, Stine's departure leaves a state EELC vacancy. States are asked to please express interest by **October 6** to ECOS President Todd Parfitt of Wyoming.

The EELC is composed of ten U.S. EPA senior executives (i.e., Deputy Administrator, Assistant and Regional Administrators, or their Deputies), ten state commissioners (or other high-level state officials), and ten tribal representatives. Its responsibilities include leading efforts to modernize the business of environmental protection by defining funding and support priorities and recommendations for resource allocation; promoting a joint governance model; cultivating a robust project portfolio; and serving as a champion and promoter of E-Enterprise. Two in-person EELC meetings are held each year, typically in conjunction with the ECOS Spring and Fall meetings, as well as conference calls held on a periodic basis, currently approximately every six weeks. ECOS has funds to support travel to EELC meetings. [Graves]

U.S. House Passes Full FY18 Appropriations Bills

The U.S. House of Representatives last week passed a package of funding bills for all 12 appropriations bills, including funding for U.S. EPA. The bill, *Make America Secure and Prosperous Appropriations Act*, totals \$1.2 trillion. On July 18, the House Appropriations Committee had approved FY18 Interior and Environment funding at \$7.5 billion, \$528 million below FY 2017 levels.

On September 8, the U.S. House of Appropriations passed a Continuing Resolution (CR) to extend funding for government operations through December 8, 2017.

The Senate Appropriations subcommittee is expected to mark up the bill language next week. [Graves]

State News You Can Use

[States Celebrate Pollution Prevention Week](#)

[ECOS Member Agencies Mark National Septic Smart Week and Estuaries Week](#)

[Pennsylvania Helps Communities Become Stormwater Smart](#)

ECOS Resource of the Week

State Business Process Improvement Project Inventory

Did you know that ECOS offers a catalogue of state Lean programs? If your agency is interested in steps others are taking to streamline and improve their operation and administration of environmental programs, check out the [State Business Process Improvement Project Inventory](#). The database is housed under "Projects" in the gray bar at the bottom of the [ECOS website](#).

Contact [Owen McAleer](#) of ECOS with questions. [Longworth]

Need-to-Know News in Waste, Air, & Energy

U.S. EPA to Reconsider Certain Coal Ash Rule Provisions

Area of Focus: [Waste](#)

U.S. EPA on September 14 granted two industry petitions to reconsider substantive provisions of the final 2015 rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).

"In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," said EPA Administrator Scott Pruitt.

In granting the May petitions of the Utility Solid Waste Activities Group (USWAG) and AES

Puerto Rico LLP, EPA determined that it was appropriate to reconsider specific provisions of the final CCR rule based in part on the authority provided through the Water Infrastructure for Improvements to the Nation (WIIN) Act. Should EPA decide to revise specific provisions of the final CCR rule, it will go through notice and comment period.

USWAG seeks reconsideration of 11 specific provisions of the final CCR rule, including provisions prohibiting the use of alternative points of compliance for groundwater contamination, regulating inactive surface impoundments, and defining what activities constitute beneficial use of CCR. AES Puerto Rico LLP seeks reconsideration of certain onsite storage practices.

The WIIN Act was enacted into law in December 2016. Section 2301 provides authority for states to operate permit programs under subtitle D of RCRA, as long as the EPA determines that the state's requirements are as protective as the standards in the 2015 final rule or successor regulations. [Parisien]

Court Rules that U.S. EPA Must Issue Soot Plans for States

Area of Focus: Air

The U.S. District Court for the Northern District of California has ruled that U.S. EPA now has three months to issue plans for five states (Pennsylvania, Washington, Illinois, Massachusetts, and Rhode Island) to reduce soot pollution and one year to issue a plan for New Jersey.

The suit, brought by the Center for Biological Diversity and the Center for Environmental Health, claimed that the EPA had failed to exercise its mandatory duty to force states to comply with the December 2015 deadline for federal air quality standards for fine particulate matter (Center for Biological Diversity v. Scott Pruitt, N.D. Cal., No. 16-05492, 9/18/17). [Poole]

U.S. DOE Publishes Energy Savings Performance Contracting Toolkit

Area of Focus: Energy

The U.S. Department of Energy (DOE) has released a toolkit of resources on Energy Savings Performance Contracting (ESPC) – a financing and contracting mechanism that allows upfront financing for energy efficiency projects repaid by the guaranteed savings

resulting from the upgrades. It includes the best practices and innovative approaches that states, cities, and K-12 schools successfully have used to establish and implement performance contracting. This mechanism may enable state and local governments and others to move forward with energy efficiency projects that they might not otherwise pursue.

The toolkit also includes several sections including one on establishing an ESPC program that includes examples from Massachusetts and Minnesota. Another section on considering ESPCs includes a legislative library with information on executive orders and legislation from across the states and territories that support ESPCs. Other major sections cover implementing ESPC projects, expanding ESPC to new markets, and evaluating ESPC results. [Hanson]

Associations News

AAPCA Elects Officers for Coming Year

The Association of Air Pollution Control Agencies this week elected the following officers for 2017-18:

- President: Stuart Spencer (Arkansas Department of Environmental Quality)
- Vice President: Nancy Vehr (Wyoming Department of Environmental Quality)
- Secretary/Treasurer: Vivian Aucoin (Louisiana Department of Environmental Quality)
- Past President: Sean Alteri (Kentucky Division for Air Quality)

[Parisien]

Alumni News

ECOS Expresses Condolences on the Passing of Louisiana Alum J. Dale Givens

ECOS sends warm wishes to the family of alum J. Dale Givens, Director of Louisiana Department of Environmental Quality (DEQ) from 1996 until 2004, who passed away on September 9.

While a member of ECOS, Givens served on the Executive Committee and as Water Committee Chair. He worked for the state for 36 years in Wildlife and Fisheries, the Department of Natural Resources, and DEQ. [Hanson]

Upcoming Events

Calls

ECOS Superfund Workgroup

The ECOS Superfund Workgroup will hold its next monthly call on **September 25 at 2:30-3:30 p.m.** to continue discussions regarding implementation of the recommendations of the U.S. EPA Superfund Task Force. Chaired by ECOS Waste Committee Chair Scott Thompson, Director of the Oklahoma Department of Environmental Quality, the call will include participation of U.S. EPA task force Chair Kell Kelly, Senior Advisor to the Administrator.

State and EPA officials who have not received a calendar invitation are welcome to participate. Please contact [Lia Parisien](#) of ECOS for an invitation or more details. [Parisien]

Toxic Substances Reduction Workgroup

The ECOS Toxic Substances Reduction Workgroup will hold a monthly call on **September 27 at 3-4 p.m. Eastern**. The call will feature a presentation by the North Carolina

Department of Environmental Quality (DEQ) on GenX, an unregulated chemical discharged as a byproduct from the Chemours plant in Fayetteville, contaminating the Cape Fear watershed. DEQ staff will discuss how it has worked with U.S. EPA and industry to address the drinking water crisis.

The call also will feature brief updates from state members on EPA's inorganic byproduct negotiated rulemaking committee and Texas' response to Hurricane Harvey.

For more information on the call or to join the workgroup, email [Sarah Grace Longworth](#) of ECOS. [Longworth]

Risk Communication Pilot

ECOS will hold an introductory call on **September 28 at 12-1 p.m. Eastern** for states interested in participating in its pilot project on risk communication of Per- and Polyfluoroalkyl Substances (PFCs, PFAS) and Harmful Algal Blooms (HABs). The goal of the project, conducted in partnership with U.S. EPA's Office of Research and Development (ORD) and the Association of State and Territorial Health Officials (ASTHO), is to foster understanding of how state health and environmental agencies are developing and communicating their health advisories regarding PFCs and HABs, and to develop a risk communication toolkit to support agencies in relaying information on these topics to the public.

If your state is interested in assisting with this pilot and has not yet contacted ECOS, please email [Sarah Grace Longworth](#) for more project details and call information. [Longworth]

Sustainable Materials Management Workgroup

ECOS will hold its monthly Sustainable Materials Management (SMM) Workgroup call on **September 28 at 2:30-3:30 p.m. Eastern**. This month's call/webinar presentation will highlight the Oregon Department of Environmental Quality's (DEQ) approach to wasted food issues and priority projects outlined in its [Strategic Plan](#). The DEQ Food Waste Prevention Team will discuss how it measures wasted food and identifies primary causes for food loss in Oregon households. The call will allow time for open dialogue on goals and measurement.

For more information on the call and to join the SMM workgroup, email [Sarah Grace Longworth](#) and [Connor MacCartney](#) of ECOS. [Longworth]

Webinars

U.S. EPA on Water Issues

U.S. EPA has two ongoing webinar series addressing clean water and small water systems. The Office of Research and Development (ORD) hosts a series on [water research](#), with the following monthly webinars scheduled:

- **October 25** - Life Cycle Assessment as a Decision Support Tool

More information on the water research webinar series, including how to register, is available [here](#).

In addition, ORD and the Office of Water host a monthly [webinar series on small drinking water systems](#). Their schedule for the rest of the year is:

- **September 26** - Small Systems Research DeRISK Center
- **October 31** - State Acceptance of UV Disinfection Technologies
- **November 28** - Lead in Schools and Selecting Lead Free Fixtures
- **December 12** - Residual Chlorine and Calibration Check for Chlorine Instruments

More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]

ITRC on Integrated DNAPL Site Characterization

An ITRC training on **September 26 at 1-3:15 p.m. Eastern** and associated guidance document will help participants identify what site conditions must be considered when developing an informative DNAPL conceptual site model (CSM); define an objectives-based DNAPL characterization strategy; understand what tools and resources are available to improve the identification, collection, and evaluation of appropriate site characterization data; and navigate the DNAPL characterization tools table and select

appropriate technologies to fill site-specific data gaps.

Learn more and register [here](#). [Bodi]

U.S. EPA and the Army Corps on WOTUS by Sector

U.S. EPA and the U.S. Army Corps of Engineers have announced ten teleconferences to hear from stakeholders their recommendations for revising the definition of "Waters of the United States" under the Clean Water Act. The first nine teleconferences will be tailored to specific industries, as follows, and the tenth will be open to the public at large.

The teleconferences will run throughout the fall on **Tuesdays at 1-3 p.m. Eastern** as follows:

- **September 26** environment and public advocacy;
- **October 3** conservation, e.g., hunters and anglers;
- **October 10** construction and transportation;
- **October 17** agriculture;
- **October 24** industry;
- **October 31** mining;
- **November 7** scientific organizations and academia;
- **November 14** stormwater, wastewater management and drinking water agencies; and
- **November 21** general public. [Piper]

ECOS on Cooperative Federalism 2.0: A Deeper Look into a Rebooted EPA-State Relationship

ECOS will host a public webinar on the transformation underway between states and U.S. EPA – a relationship change that will benefit human health, the environment, and transparency. The webinar will be held **September 26 at 3:30-4:30 p.m. Eastern**.

Webinar speakers include Henry Darwin, Assistant Deputy Administrator & Chief of Operations of U.S. EPA; Todd Parfitt, ECOS President and Director of Wyoming Department of Environmental Quality; Martha Rudolph, former ECOS President and Director of Environmental Programs with the Colorado Department of Public Health and

Environment; and Alexandra Dunn, ECOS Executive Director and General Counsel.

A registration link is available [here](#). [Swanson]

Washington Ecology on U.S. EPA Safer Choice Label

Washington State's Department of Ecology is hosting a webinar on U.S. EPA's Safer Choice Label on **September 27 at 4-5 p.m. Eastern**. The webinar will provide retailer (Walmart) and product formulator (Earth Friendly Products) perspectives on the label, which helps shoppers and businesses identify products with safer chemical ingredients without sacrificing quality or performance. Register [here](#).

Ecology will host two more Safer Choice Label webinars this fall, covering subtopics of organizational purchasing programs and what chemical manufacturers, formulators, and suppliers need to know. [Longworth]

ITRC on Use and Measurement of Mass Flux and Mass Discharge

An ITRC training on **September 28 at 1-3:15 p.m. Eastern** and associated guidance document are intended to foster the appropriate understanding and application of mass flux and mass discharge estimates, and provide examples of use and analysis. This training assumes the participant has a general understanding of hydrogeology, the movement of chemicals in porous media, remediation technologies, and the overall remedial process. Practitioners, regulators, and others working on groundwater sites should attend this training course to learn more about various methods and potential use of mass flux and mass discharge information.

Learn more and register [here](#). [Bodi]

ECOS and U.S. EPA on Compliance Research Part 3

Registration is now available for Part 3 of ECOS and U.S. EPA's five-part Compliance Research Webinar Series. The webinar will be held **September 28 at 2-3:30 p.m. Eastern**, with registration available at [Designing Rules and Permits: A Taxonomy and Considerations for Regulatory Design](#). Dr. Cary Coglianese of the University of Pennsylvania School of Law will present research on rule and permit design. Agencies

have many regulatory tools to choose from; the challenge is to find the tool that best achieves the desired ends.

The Compliance Research Webinar Series, hosted by EPA OECA's NETI and designed for ECOS, EPA, and state environmental agencies, will help program administrators understand how collaboration with academics can identify effective and measurable approaches to compliance. In each of the webinars, social and behavioral scientists from top universities present research findings on compliance monitoring, rule and permit design, reporting and transparency, and innovative enforcement.

Additional webinars will be held as follows:

- Reporting and Transparency – October 24, 2-3:30 p.m. Eastern
- Innovative Enforcement – November (TBD) [Parisien/Altieri]

Michigan on Reengineering Permitting and Enforcement Processes

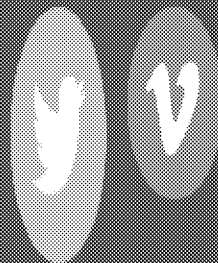
On **September 28 at 2-3 p.m. Eastern**, Jim Hogan, Information Officer in Michigan's Department of Technology, Management and Budget, will discuss the state's permitting, licensing, inspections, and enforcement process and its digital, cloud-based approach. His discussion, *Reengineering the Permitting, Licensing, Inspections and Enforcement Process*, will focus on updating processes and systems that support agency's management and executive oversight functions. This may include physical infrastructure such as utilities or digital infrastructure such as cybersecurity.

The webinar is supported by GCN, a publication that covers information for public sector IT managers. To register, click [here](#). [Graves]

U.S. EPA on Funding Decentralized Systems via the CWSRF

The U.S. EPA Clean Water State Revolving Fund (CWSRF) Program is hosting a webinar on funding decentralized systems with the CWSRF. The webinar will be held **October 12 at 2-3:30 p.m. Eastern**.

To register and for more information, click [here](#). [Piper]



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